

McNamara Declaration

Exhibit 33

From: Monaco, Lauren on behalf of Monaco, Lauren <[REDACTED]@penguinrandomhouse.com>
To: [REDACTED]@archive.org
CC: Dye, Skip
Sent: 7/23/2014 10:56:47 AM
Subject: Open Library and PRH
Attachments: PRH_Full Title List.xlsx

Brewster,

Thank you for the quick response to our concerns. I've attached a full list of Penguin Random House titles and isbns for your review. As discussed last week, Daisy files and the usage of PRH titles to support the disabled, as allowed under the Chafee Amendment, are permissible. Unauthorized, scanned versions of Penguin Random House titles being lent to patrons need to be removed from the Open Library site immediately. The attached file includes both print and eBook isbn for all Random House titles, and print isbns (only) for Penguin titles. It includes close to 60,000 unique isbns. Please let us know the time frame in which we can expect these titles to be removed, and if you need anything additional from us to facilitate this process.

Additionally, further to our conversation last week, and to your comments below, I would like to understand the general user uploads. You mention that these title uploads and scans are not incorporated into collections that patrons see. If that is the case, please let me know how users are gaining access to them, if not through lending collections? And what measures are in place at the Open Library that assist in your reviewing of these uploads and taking them down?

Thank you,

Lauren

Lauren Monaco
Penguin Random House
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From: Brewster Kahle [mailto:[REDACTED]@archive.org]
Sent: Friday, July 18, 2014 8:33 PM
To: Monaco, Lauren; Dye, Skip
Subject: Lending ebooks

Lauren and Skip,

Thank you, as well, for taking the time to speak with us this week. As mentioned on the call, Internet Archive is eager to discuss the possibility of purchasing Penguin Random House ebooks for our lending program. We would like to take you up on your offer to send us a list of ISBNs. Specifically, we would ask for the list of ISBNs for which PRH holds digital rights so that Internet Archive can check this list against the openlibrary.org catalogue, as well as gain an idea of the titles that we might be able to discuss purchasing from Penguin Random House provided that we are able to resolve the current issue. We feel confident that we can do so in a way that works to our mutual benefit.

To respond to another of your questions, general user uploads are not included in the print-disabled and lending collections. Internet Archive acts expeditiously to review and process all take down request sent to us and has a posted Copyright Policy outlining how a copyright claim may be submitted regarding materials posted on archive.org or viewable through openlibrary.org.

Thank you again and have a good weekend.

-brewster